

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1049 of 1986

Date of decision: 23-12-1996

For Approval and Signature

The Hon'ble Mr. Justice S. K. KESHOTE

1. Whether Reporters of Local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of the judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

VIJAY OIL MILL

Versus

STATE OF GUJARAT

Appearance:

MR ND NANAVATI for Petitioner

Mr. Gharania for Respondent No. 1, 2

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 23/12/96

ORAL JUDGEMENT

The only contention raised by the learned counsel for the petitioner is that the discrepancies pointed out

against the petitioner are of minor nature, and as such confiscation of the stock of 14867 Kg of ground nut oil is unjustified and illegal.

2. I have given my thoughtful consideration to the submissions made by the learned counsel for the petitioner. This matter arises under the provisions of the Essential Commodities Act, 1955 and the Orders made thereunder. The District Collector, Junagadh, under section 6A of the Essential Commodities Act, 1955, made order dated 5-10-1984 pointing out the discrepancies at the establishment of the petitioner and ordered for confiscation of the aforesaid stock of groundnut oil. The petitioner preferred appeal before the appellate authority under section 6C of the Essential Commodities Act, 1955. The Appellate Authority passed detailed and considered order, dealing with all the objections and grounds raised by the petitioner. The discrepancies found at the establishment of the petitioner are numbering 11. The first discrepancy is that the petitioner purchased 1300 tins groundnut oil from different traders under wholesale licence and inward entry is shown. Despite no sale, yet, at the time of inspection, stock of groundnut oil tins of respective brand as per purchase were not present. The authorities below found this discrepancy proved against the petitioner. I fail to see how it can be said to be only a technical breach of the orders framed under the Essential Commodities Act, 1955. Here is a case where the stock of 1300 tins of groundnut oil, though shown to have been purchased by the petitioner, was not actually present. This one discrepancy itself was sufficient for confiscation of the stock by the authority concerned. I do not find any substance in the special civil application, and the same is dismissed. Rule discharged. Ad-interim relief granted earlier stands vacated. No order as to costs.

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